

California State Journal of Medicine.

Published Monthly by the
Medical Society of the State of California

Publication Committee:

Philip Mills Jones, M. D. George H. Evans, M. D.
Henry Gibbons, Jr. M. D. Dudley Tait, M. D.
Charles D. McGettigan, M. D.

Office of the Journal, 31 Post St. San Francisco

JANUARY, 1903.

EDITORIAL NOTES.

The information has reached the JOURNAL from Sacramento, and in a manner that admits no doubt of its accuracy, that a bill has been sent to the **COVERT ATTACK ON MEDICAL LAW.** Legislature designed to secure new medical legislation. The exact title of the bill is not yet known, but in the information it was called, "A Bill to Regulate the Practice of Medicine, etc." As there is already a medical law in operation in this State, it is evident that this new bill must aim to in some way modify some features of the existent bill, or to entirely supplant it.

The JOURNAL knows perfectly well that no committee has been appointed from the Medical Society of the State of California looking to any addition to or modification of the present law, for the Society and those it represents are, so far, thoroughly satisfied with this law and the way its provisions have been administered. The Society believes, on excellent grounds, that this law is forcing a better preparation on the part of those who wish to practice medicine in California, and that it will, in not many years, elevate the standard of medical practitioners all over the State. Therefore, this new bill must be proposed by some who are inimical to the present law, and who consequently stand for *no* progress, *no* improvement, and even for deterioration.

The JOURNAL makes no suggestion as to who this person or group of persons may be—each reader can easily make his own inference; but whoever it is, he or they have arrogated to themselves the right to legislate for the whole profession. They are attempting to have laws of their own framing, suited to their own motives, thrust upon the entire medical body, and this the JOURNAL, in the name and interest of the profession of the State, resents. It is not to be tolerated that any one should presume to have personal or special legislation, either of which amounts to class legislation, foisted on the profession at large.

Under these circumstances the JOURNAL calls on the present Legislature, and on the Governor,

to let the medical law of to-day stand as it is. It has been in operation only sixteen months; it has given, as yet, no cause for criticism that was based on any defect in the law or its administration, and while it has been attacked by some, it is not at all to its discredit that it has drawn their fire. The JOURNAL refers to the complaints made of the Board of Examiners, which resulted in the editorial reference in the *Journal of the American Medical Association* of the 4th of October, 1902, and of the second reference in the same journal, on the 25th of October, which latter, upon fuller information, corrected the impression the former would have engendered, and pronounced the complained-of examination entirely fair and reasonable.

This law, given us only by the last Legislature, has kept from the practice of medicine in California about one-third of those who have wished to come here, and has done it upon the grounds of the incompetency of the candidates, and as each candidate's examination paper is a State document as soon as it has passed into the hands of the Secretary of the Board of Examiners, it is, and always will be, easy to substantiate this statement. When the medical profession of California, together with their associates, in the drafting and the securing of the present law come before the Legislature and say that certain changes are wanted for further improvement, so that the standard of the profession may be raised still higher, then let the Legislature and the Governor listen; but until then let them turn a deaf ear always to those who seek to have changes or substitutions made in the law.

It is obvious that this new bill is proposed by some who are, in certain directions, active and secretly so. The new bill, whatever may be its exact form or intent, is an affront to every practitioner of medicine and surgery in California, and this affront must be resented. Each physician or surgeon is earnestly requested to address to the Assemblyman and Senator from his district letters stating that he does not want more medical legislation at this time, and to do this so that the bill may be stopped at once and the stand of California among those States with proper medical laws, properly conserving the interests of the people, may not be jeopardized.

As commonly applied to medicines, the word "patent" is almost invariably a misnomer. What

are generally known as "patent medicines," the alcoholic and opiate nostrums, "bit-

WORD "PATENT" A MISNOMER. "ters," "tonics," habit "cures,"

etc., are not patented; the names they bear, or the labels pasted on the packages, or both, are, however, protected by the patent or copyright laws of the country. If the preparations themselves were patented, and the nostrums thus truly

"patent" medicines, it would be easy for any one who possessed five cents and a desire to know the ingredients of any mixture, to get this information by application to the Patent Office; but this is not the case. Such nostrums as "swamp root," "antikamnia," "celery compound," etc., commonly called and known as "patent medicines," are really not patented; the names they bear and the labels used are controlled, but the ingredients of the mixtures are undetermined. The manufacturers of such nostrums—not actually patented, but called "patent"—are perfectly free to put up anything whatever—kerosene, tar, saw-dust, morphin, alcohol—anything—and still sell the stuff as "swamp root," "antikamnia," "celery compound," etc. In the case of any drug or chemical that is actually patented, however, the conditions are quite the opposite; the specifications on which the application is based and the patent issued call for certain definite ingredients or processes, and these must be complied with, under the terms of the patent grant. Almost any one of the coal tar products may be taken as an example of what is truly a patent medicine. Most of them are chemicals of definite and known formula, and many of them have been accepted by the medical profession as having decided therapeutic value; at least one true "patent medicine" of this sort was included in the last edition of the U. S. Pharmacopeia, and very many of them will be found in the next edition. The advertising censor of one State Medical Society journal has taken the position that any *patented* drug, chemical or preparation may be advertised in its pages, for the reason that the actual formula or composition is disclosed in the patent. Many preparations of the "controlled" variety are excluded from the advertising pages of this same journal on the well-taken ground that the composition of such preparations is known only to the manufacturer, who has not patented the article, but has simply copyrighted the name it bears, and consequently he may put up whatever he chooses under this name. In some journals controlled products or brands may only be advertised if the "quantity of the active ingredients be published," and in the present chaotic state of therapeutics this is about the best that can be done; but it is a comparatively poor best, for the reason that there is nothing to compel the manufacturer to follow the formula which he has published in part. Indeed, in many instances, either through litigation or otherwise, it has been found that the actual working formula was quite different from the supposed and published formula, and this is undoubtedly true of numerous other preparations, though the facts have not been disclosed. Nor does the dispenser of a true "patented" drug always supply the actual substance

called for in the patent and presumably put up by the manufacturer. We are advised on excellent authority that thirty-five samples of aristol were recently purchased from retail druggists in different parts of the country and analyzed. It was then found that but few of them were actually aristol. One contained 65 per cent of caustic alkali; others contained starch, dirt, and various adulterants. The article is not in the present Pharmacopeia, and as there is no recognized standard for it, the pharmacist dispensing the fraudulent product cannot be reached; were it officinal the position would be somewhat better. But the U. S. Pharmacopeia goes only a small way toward remedying the evil. It is a book of standards and formulæ that may or may not be followed by the pharmacist, either manufacturing or retail, and which deals not at all with controlled preparations or brands. And, furthermore, the U. S. Pharmacopeia, unlike that of most other countries, is not in any way supported or by statute indorsed by the Government and made compulsory upon the manufacturer. The only apparent remedy for these serious evils seems to be lying dormant in the hands of the medical profession. A carefully selected and properly qualified board of experts, backed by an organized and united medical profession, and given authority to demand in the name of the whole profession that recognized standards of strength, purity and formula be adopted and followed by all manufacturers and dispensers of the various materials used in the practice of medicine, would speedily effect a very decided reform and would bring at least partial order out of the present absolute chaos.

The next meeting of the State Society promises to be the best attended and one of the most successful meetings we have ever held. It will be the first meeting under the plan of reorganization, and as the changes—particularly in the way of transacting business—are many and radical, it will be looked forward to with much interest. All the business of the Society will be transacted by the delegates elected by the affiliated County Medical Societies; it is vitally important, therefore, for these county societies to see to it that their delegates are duly elected in ample time for the Secretary to prepare his lists. The secretaries of county societies must also send to the Secretary of the State Society a certified list of the officers, members and delegates, together with a remittance of \$1.00 for each member, at least two weeks before the date of the annual meeting. As there will be considerable work for the Secretary to do, it is urged upon the secretaries of affiliated societies that they send in these reports and the proper remittance